

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM E COSDEN,

Petitioner,

v.

JEFFREY UTTECHT,

Respondent.

CASE NO. C14-5739 BHS-JRC

ORDER

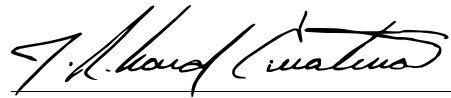
The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state conviction, thus, the petition is filed pursuant to 28 U.S.C. § 2254.

Petitioner filed an amended petition (Dkt. 23). The Court has called for an answer from respondent (Dkt. 25). Petitioner asks the Court to appoint counsel to represent him (Dkt. 24). The Court has not ordered an evidentiary hearing in this action. Petitioner does not have a constitutional right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required. This is because the action is civil, not criminal, in nature. *Brown*

1 v. *Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1991) (*citing McCleskey v. Zant*, 499 U.S. 467, 495
2 (1991)); *see Ortiz v. Stewart*, 149 F.3d 923, 939 (9th Cir. 1998) (“There is simply no
3 constitutional right to an attorney in a state post-conviction proceeding”); *see also Terrovona v.*
4 *Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); and Rule 8(c) of the Rules Governing Section
5 2254 Cases in the United States District Courts.

6 Petitioner has failed to demonstrate that he is entitled to counsel and the motion is denied.

7 Dated this 16th day of March, 2015.

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10 J. Richard Creatura
United States Magistrate Judge
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